

Remarks

Present Invention and the pending claims

The present invention relates to an automated system to improve an organization's safety culture by enhancing organizational communications.

Claims 1-8 are pending. Reconsideration and allowance of the pending claims is respectfully requested.

Amendments to the specification

The title has been suitably amended.

Amendments to the claims

Claims 1-3 are currently amended. Support for the claims is found in paragraphs [0021] – [0057], and original claim 3 of U.S. Pub. No. 20050055229 A1 filed on Sep. 9, 2003 and published on Mar. 10, 2005.

The office action states: **“Claims 1-3 are rejected under 35 U.S.C. 101 as being directed to non statutory subject matter.”**

In response, claims 1-3 have been are suitably amended.

The office action states: **“Claims 1- 3 are rejected under 35 U.S.C. 112 first paragraph as failing to comply with the written description requirement.”**

In response, claims 1-3 have been suitably amended.

The office action states: **“Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlson et al (U.S. Pub. No. 2003/0135378).”**

MPEP section 2131 provides, in pertinent part: “To anticipate a claim, the reference must teach every element of the claim. ...A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference..... The identical invention must be shown in as complete detail as is contained in the ...claim”.

Applicant discloses an automated method of routine reporting of issues and concerns by a member or employee of an organization to a senior management, circumventing filtering opportunities by middle management, where each member of the organization including temporary consultants and contractors summarize **work accomplished, work planned, and their issues and concerns** using the automated system (see paragraph [0023]). Also, applicant discloses that the reports comprise both critical and **routine information**, including the full range of routine and non-routine information falling within the expertise of the individual; (see paragraph [0021] which states,“...report periodically and in specific, emergent instances to senior managers both critical and routine information, including up to the full range of routine and non-routine information falling within the expertise of the individual...”). In contrast, Carlson discloses, inter alia, a system for **reporting incidents** within the organization **in the event of occurrence of an incident capable of causing harm to the organization** or the environment and typically include industrial facilities incidents involving production, equipments or the environment; see Carlson, paragraph [0035] which states, “incident reports typically relate to industrial facilities incidents ... Such incidents are generally the result of problems and hazards causing an unexpected or undesirable result relating to production, personnel, equipment, or the environment..”) but does not disclose **routine reporting of issues and concerns** of the individual members of the organization. Accordingly Carlson does not disclose the following limitations in claim 1:

“..method of generating a report comprising routine issues and concerns raised by an originator, said originator being a member of an organization...” and

“....wherein said collected issues and concerns comprise routine and critical information...”

Furthermore, applicant discloses that the **authors of the routine issues** and concerns can choose to remain **anonymous**, and members communicating anonymously are assigned a distinct number, username, and password (see paragraphs [0027] and [0033] where it states, “..the originating author or authors of such periodic or special reports may choose to be anonymous..”). In contrast, Carlson discloses, inter alia, that each incident report includes the name of the originator of the report and therefore in Carlson **reports are submitted without anonymity** (see Carlson, paragraph [0051] where it states, “..providing a field of entry for...the incident report originator’s identification..”). Also, page 9 of the office action states, “Carlson provides incident submissions without anonymity..”. Accordingly Carlson does not disclose the following limitation in claim 1:

“...issues and concerns comprise routine and critical information submitted anonymously without the approval of co-workers and higher authorities...”

Furthermore, applicant discloses that the **reports are submitted without approval of co-workers, managers and supervisors** (see original claim 1). In contrast Carlson discloses, inter alia, that **every report is reviewed by a supervisory authority** and the report is modified and necessary corrective actions are determined (see Carlson, paragraph [0036], where it states, “The supervisory authority reviews the sufficiency of the report, and makes necessary additions and conclusions...”). Accordingly Carlson does not disclose the following limitation in claim1:

“.....issues and concerns comprise routine and critical information submitted ...;without the approval of co-workers and higher authorities... ”

Furthermore, applicant discloses a means for **automated peer review** and comment where the issues and concerns raised is validated by additional knowledgeable

persons (see paragraph [0023]). The office action on page 6 states that in paragraph [0036], Carlson discloses a means of peer review and concurrence as it is inherent in the process of corrective action to be taken, that the incident is both reviewed and concurrence is reached as to the corrective action to be taken. In contrast Carlson discloses that a supervisory authority comprising **facilities supervisors and managers review the incident reports for assigning corrective actions to designated personnel** (see Carlson, paragraph [0012]) but does not disclose review of reports by a peer (co-worker). More precisely, **Carlson does not disclose that the supervisory authority comprises a peer of the personnel reporting an incident.** Accordingly Carlson does not disclose the following limitation in claim 2:

“...computer software programs also include a means for automated peer- review and concurrence for increasing issue and concern validity and providing a means of reducing or avoiding reprisals against individual whistleblowers, peer reviews being accomplished by computer software means...”.

Also, applicant discloses that automated peer review is implemented either using a **peer identification data field** comprising names or employee numbers of a peer of the member or by including within the database and reports, **automated means comprising software programs to provide online collaboration, interactive peer-review status prompting for the originator, managers, regulators, and the public where the automated means provides a separate means for screening peer-review status** (see original claim 2). Carlson does not disclose peer identification data field within reports reviewed by the peer and also does not disclose means for screening peer review status. Accordingly, Carlson does not disclose the following limitations in claim 2:

“...peer identification data fields within the report comprising names or employee numbers of a peer of member...” and
“...inclusion of automated means comprising software programs to provide online collaboration, including an interactive peer-review status prompting for the originator, the senior managers, database managers, regulators, and public, in

databases and reports as separate means for screening for said interactive peer-review status.”

Accordingly, applicant respectfully submits that amended claims 1-2 are novel over Carlson, and the rejection of claims 1-2 be withdrawn.

The office action further states: “**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. (U.S. Pub. No. 2003/0135378).**”

First, Carlson does not disclose all the claim limitations. Applicant discloses that **middle managers summarize the issues and concerns of the originators** (member’s of the organization) and forward it to respective recipients (senior managers and other interested parties) so that **issues and concern received by the recipient is a combination of inputs provided by the middle managers and the originators of the issues and concerns** and thus the **middle managers are intermediate recipients** of the issues and concerns in an instance where the middle managers are responsible for addressing the issues and concerns (see paragraph [0024]). In contrast, Carlson discloses, inter alia, that **every report is reviewed and modified by a supervisory authority** and the supervisory authority determines a corrective action, the supervisory authority being the **final recipient** of the report (see Carlson, paragraph [0012]). Accordingly Carlson does not disclose the following limitations in claim 3:

“...computer software programs includes an automated means for middle managers responsible for addressing issues raised, to present a summary of issues and concerns to the final recipients of the issues and concerns within the organization ,wherein said summary received by said final recipients is a combination of inputs from the originators of the issue and the middle managers in an instance where the middle managers are responsible for addressing issues and concerns..”

Accordingly, applicant respectfully submits that amended claim 3 is not unpatentable over Carlson and the rejection of claim 3 be withdrawn.

Regarding claim 4, applicant discloses that the report is sent to selected management members and selected administrative members of the organization (see paragraph [0039]), where the administrative members query the selected management members regarding the report and where the administrative members receive a reply to the report from the management members, which is displayed on a user interface (see paragraph [0024]). Carlson does not disclose that administrative members receive a reply to the report from management members, regarding the issues and concerns. Accordingly Carlson does not disclose the following limitation in claim 4:

“sending said report to said selected management members and administrative members of the organization, wherein said administrative members query the selected management members regarding said report” and

receiving a reply to said report from said management members, wherein said reply is displayed on said user interface”.

Therefore, applicant respectfully submits that claim 4 is novel and not obvious over Carlson.

Claims 5 and 6 are dependent on claim 4. Since claim 4 is novel and not-obvious over Carlson, applicant respectfully submits that claims 5 and 6 are also novel and not-obvious over Carlson.

Regarding claim 7, applicant discloses that the **authors of the routine issues** and concerns may choose to be **anonymous** and members communicating anonymously are assigned a distinct number, username, and password (see paragraphs [0027] and [0033]). In contrast, Carlson discloses that each incident report includes name of the originator of the report and therefore **reports are submitted without anonymity** (see Carlson,

paragraph [0051]). Accordingly Carlson does not disclose the following limitation in claim 7:

“..communications are submitted with originator anonymity..”.

Furthermore, applicant discloses that the **reports are submitted without approval of co-workers, managers and supervisors** (see original claim 1). In contrast Carlson discloses that **every report is reviewed by a supervisory authority** and the report is modified and necessary corrective actions are determined (see Carlson, paragraph [0036]). Accordingly Carlson does not disclose the following limitations in claim7:

“submitted without the approval of one or more of subordinate workers, managers, and supervisors”.

Therefore, applicant respectfully submits that claim 7 is novel and not obvious over Carlson.

Claim 8 is dependent on claim 7. Since claim 7 is novel and not obvious over Carlson, applicant respectfully submits that claim 8 is also novel and not obvious over Carlson.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of Examiner McCormick a telephone conference would expedite the prosecution of this application, Examiner McCormick is requested to call the undersigned.

Respectfully submitted,

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